

**RESOLUTION 17-07**

**TO ADOPT THE DCHA VAWA EMERGENCY TRANSFER PLAN**

WHEREAS, the District of Columbia Housing Authority (DCHA) administers the Housing Choice Voucher Program (HCVP), Project-Based Voucher Program (PBV), and Low-Income Public Housing (LIPH) in the District of Columbia; and


WHEREAS, the Department of Housing and Urban Development requires that the District of Columbia Housing Authority (“DCHA”) adopt an Emergency Transfer Plan describing District of Columbia Housing Authority (“DCHA”) policies for permitting victims of domestic violence, dating violence, sexual assault or stalking who qualify to request an emergency transfer, and any amendments required thereto to comply with HUD rules and regulations;

WHEREAS, the District of Columbia Housing Authority (“DCHA”) is committed to ensuring the safety of its tenants and participants;

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the District of Columbia Housing Authority that the District of Columbia Housing Authority Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, attached hereto as Exhibit A, be adopted as proposed, and any amendments required thereto to comply with HUD rules and regulations;


ADOPTED, by the Board of Commissioners of the District of Columbia Housing Authority and signed in authentication of its passage the 14<sup>th</sup> day of June, 2017.

ATTEST:

  
\_\_\_\_\_  
Nathan E. Bovel


Interim Executive Director/ Secretary

APPROVAL:

  
\_\_\_\_\_  
Terri Thompson

Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_

Kenneth S. Slaughter  
General Counsel

**EXHIBIT A**



## DISTRICT OF COLUMBIA HOUSING AUTHORITY'S EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

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The District of Columbia Housing Authority (DCHA) is concerned about the safety of its tenants, participants and applicants and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), and any amendments thereto,<sup>1</sup> this plan specifies the process for victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer in DCHA's Low-Income Public Housing, the Housing Choice Voucher Program (HCVP), or the Project-Based Voucher (PBV) Program.<sup>2</sup> VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.<sup>3</sup>

### **Low-Income Public Housing (LIPH)**

#### **Emergency VAWA Transfers**

In accordance with the Violence Against Women Act (VAWA), DCHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency VAWA transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.

The ability of DCHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether DCHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This Plan identifies tenants who are eligible for an emergency VAWA transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD),<sup>4</sup> the

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<sup>1</sup> See Violence Against Women Act, Pub. L. No. 103-322, tit. IV, § 40302, 108 Stat. 1902, 1941-42 (1994) (codified as amended at 42 U.S.C. § 13925 and 42 U.S.C. § 14043e, *et seq.*).

<sup>2</sup> Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

<sup>3</sup> DCHA cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

<sup>4</sup> U.S. Dep't Hous. & Urban Dev., *Notice No. PIH 2017-08 Violence Against Women Reauthorization Act of 2013 Guidance* (May 19, 2017), available at <https://portal.hud.gov/hudportal/documents/huddoc?id=17-08pihn.pdf>.

Federal agency that oversees that low-rent public housing and assisted housing programs are in compliance with VAWA.

### **Eligibility for Emergency VAWA Transfers**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency VAWA transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence should the tenant remain within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency VAWA transfer.

A tenant requesting an emergency VAWA transfer must expressly request the transfer in accordance with the procedures described in this plan, the tenant's lease, and relevant provisions in the District of Columbia Municipal Regulations which includes, but is not limited to, Chapter 64, *Low Rent Housing: Public Housing Transfer Policy* and any amendments thereto (See Attachment 1).

Tenants who are not in good standing may still request an emergency VAWA transfer if they meet the eligibility requirements in this section.

### **Emergency VAWA Transfer Requests and Documentation**

To request an emergency VAWA transfer, the tenant shall notify the Resident Manager's Office or DCHA's Management Office. All requests and documentation shall be forwarded to the Director of Housing Management at DCHA's Management Office located at 1170 12th St., NW Washington, DC 20005. DCHA will provide reasonable accommodations to this policy for individuals with disabilities.

#### *Transfer Requests*

The tenant must submit a written request for an emergency VAWA transfer. Tenants may use Form HUD-5383 or another form as specified by DCHA's Management Office. Verbal statements or requests will not be accepted. The tenant's request for an emergency VAWA transfer should include either:

1. A statement expressing and certifying that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under DCHA's program; or
2. A statement certifying that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

### *Transfer Requests Documentation*

Additionally, DCHA will issue a written request requesting that the tenant submit documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Tenants may satisfy this request by providing any one of the following documents:

1. A complete HUD-approved certification form (Form HUD-5382) that documents an incident of domestic violence, dating violence, sexual assault, or stalking.
2. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking (i.e., police reports, protective orders, and restraining orders).
3. A statement, signed by the tenant, and signed by an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom the victim sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.

If the tenant fails or refuses to provide one of these documents within fourteen (14) business days of the written request for documentation, DCHA may deny the tenant's emergency VAWA transfer request. If conflicting information is provided, DCHA reserves the right to request additional verification.

### **Confidentiality**

DCHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives DCHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the *Notice of Occupancy Rights under the Violence Against Women Act For All Tenants* for more information about DCHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

## **Emergency VAWA Transfer Timing and Availability**

DCHA cannot guarantee that an emergency VAWA transfer request will be approved or how long it will take to process a VAWA transfer request. DCHA will, however, act as quickly as possible to transfer a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. DCHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If DCHA has no safe and available units for which a tenant who needs an emergency transfer is eligible, DCHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, DCHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

## **Housing Choice Voucher Program (HCVP)**

### **Emergency Transfer Vouchers**

In accordance with the Violence Against Women Act (VAWA), HCVP allows participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer voucher entitling them to move to another unit. The ability to request a transfer voucher is available regardless of sex, gender identity, or sexual orientation. The ability of HCVP to honor such requests for participants currently receiving assistance, however, may depend upon a preliminary determination that the participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and if the victim requests to move outside of DCHA's jurisdiction, the portability regulations apply.

This plan identifies participants who are eligible for an emergency transfer vouchers, the documentation needed to request an emergency transfer voucher, confidentiality protections, how an emergency transfer voucher may be provided, and guidance to participants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD),<sup>5</sup> the Federal agency that oversees that HCVP is in compliance with VAWA.

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<sup>5</sup> See footnote 4.

## **Eligibility for Emergency Transfer Vouchers**

A HCVP participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer voucher, if: the participant reasonably believes that there is a threat of imminent harm from further violence if the participant remains within the same unit. If the participant is a victim of sexual assault, the participant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer voucher. HCVP has discretion to determine which members of an assisted participant family continue to receive assistance in the program if the participant family breaks up. If the family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, HCVP will ensure that the victim retains assistance.

A participant requesting an emergency transfer voucher must expressly request the transfer in accordance with the procedures described in this plan and relevant provisions in the District of Columbia Municipal Regulations including, but not limited to, Chapter 85, *Housing Choice Voucher Program: Participant Moves* and any amendments thereto (See Attachment 1).

Participants who are not in good standing may still request an emergency transfer voucher if they meet the eligibility requirements in this section.

## **Emergency Transfer Voucher Request Documentation**

To request an emergency transfer voucher, the participant shall notify the HCVP Quality Assurance Office and submit a written request for a transfer voucher to HCVP at 1133 N. Capitol Street, NE, Suite 100, Washington, DC 20002. DCHA will provide reasonable accommodations to this policy for individuals with disabilities.

### *Transfer Requests*

The participant must submit a written request for an emergency transfer voucher. Participants may use Form HUD-5383 or another form as specified by HCVP's Quality Assurance Office. Verbal statements or requests will not be accepted. The participant's written request for an emergency transfer voucher should include either:

1. A statement expressing and certifying that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under the HCVP; or
2. A statement certifying that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the participant's request for an emergency transfer voucher.

### *Transfer Requests Documentation*

Additionally, HCVP will issue a written request requesting that the participant submit documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Participants may satisfy this request by providing one of the following documents as described under 24 CFR 5.2007(b)(1):

4. A complete HUD-approved certification form (Form HUD-5382) that documents an incident of domestic violence, dating violence, sexual assault, or stalking.
5. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking (i.e., police reports, protective orders, and restraining orders).
6. A statement, signed by the tenant, and signed by an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom the victim sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.

If the participant fails or refuses to provide one of these documents within fourteen (14) business days of the written request for documentation, HCVP may deny the participant's request for an emergency transfer voucher. If conflicting information is provided, HCVP reserves the right to request additional verification.

### **Confidentiality**

HCVP will keep confidential any information that the participant submits in requesting an emergency transfer voucher, and information about the emergency transfer, unless the participant gives HCVP written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the participant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the participant. See the *Notice of Occupancy Rights under the Violence Against Women Act For All Participants* for more information about HCVP's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.



## **Emergency Voucher Transfer Timing and Availability**

HCVP cannot guarantee that a transfer voucher request will be approved or how long it will take to process a transfer voucher request. HCVP will, however, act as quickly as possible to issue a transfer voucher to a participant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, in accordance with Chapter 85 of Title 14 of the District of Columbia Municipal Regulations.

HCVP may assist the participant in identifying other housing providers who may have safe and available units to which the participant could move. At the participant's request, HCVP will also assist participants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

## **Project-Based Voucher Program**

Project-based voucher (PBV) participants who are victims of domestic violence, dating violence, sexual assault, or stalking shall follow the procedure for requesting an emergency transfer as specified above for the Housing Choice Voucher Program (HCVP). If a family has been residing in a PBV unit for less than one year, the family may either: request to transfer to another Project-Based subsidized unit or move to another property without the benefit of DCHA's assistance. For all other families, transfer requests are subject to availability. Families will be placed on a waiting list. If a family chooses to move without DCHA's assistance or wishes to move sooner than assistance is available, at the participant's request, HCVP will assist participants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

## **Safety and Security of Tenants and Participants**

Pending processing of a transfer request or a transfer voucher request (for HCVP participants only) and the actual transfer or transfer voucher (for HCVP participants only), if it is approved and occurs, the tenant or participant is urged to take all reasonable precautions to be safe.

Tenants or participants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants or Participants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Participants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

**Attachment 1: District of Columbia Municipal Code Regulations Applicable to Transfer Requests\* (\*NOTE: This is not an exclusive compilation. Additional local regulations, and amendments thereto, may apply).**

**Attachment 2: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.**

## **Attachment 1**

### **District of Columbia Municipal Code**

#### **Title 14: Housing**

#### **Low Rent Housing: Public Housing Transfer Policy**

##### **6401 Mandatory Transfer Initiated by DCHA**

6401.1 Transfers initiated by the DCHA are mandatory. The DCHA shall initiate mandatory transfers for households in order to alleviate certain housing conditions. The following represents examples of such conditions:

- (a) To relocate residents who are living in conditions that represent an emergency or a threat to life, health, or safety (e.g., fire, flood, no water) as determined by DCHA, another governmental entity, or as a result of a judicial proceeding;

....

- (c) To relocate households to alleviate threat of attack by criminal elements as verified and documented by the DCHA Police Department or any other police department or law enforcement agency authorized to operate in the District of Columbia.

##### **6402 Transfer Requested by Tenant**

6402.18 The following conditions shall dictate DCHA's priority for its transfer of tenants who request transfers to another dwelling unit. Tenants who are approved for transfers under this section will be transferred based on the hierarchy set forth below and on the date that the "Tenant Request for Transfer" was acknowledged by the DCHA:

- (a) First priority will be given to situations of a life threatening medical or public safety nature. These situations may include serious medical conditions, crimes, domestic violence, hate crimes, or other situations which endanger a tenant or household member's life from something other than the condition of the unit or the building. These life- threatening conditions must be documented and verified.

#### **Housing Choice Voucher Program (HCVP)**

##### **4907 Protections for Applicants and Participants Under the Violence Against Women Act**

- 4907.1 In certain circumstances, as further explained below, applicants or participants may be afforded additional protections from HCVP requirements and policies under the Violence Against Women Act (VAWA). DCHA shall comply with the terms of VAWA in administration of the HCVP.
- 4907.2 If a Family composition changes due to a member of the assisted Family engaging in criminal acts of physical violence against one or more other Family members or other people and the victim is part of the assisted Family, the perpetrator may not be considered a remaining Family member or an eligible Family member.
- 4907.3 In making its decision as to who retains assistance, DCHA shall consider all credible evidence, including, but not limited to, a signed certification, HUD Form-50066, or other documentation of abuse submitted to DCHA by the victim in accordance with VAWA.
- 4907.4 Pursuant to 24 C.F.R. § 5.2005(c) the denial of continued HCVP assistance to a Family member who engages in criminal acts of violence against Family members or others shall be considered a form of termination of the individual Family member. Should DCHA choose to exercise this authority, it shall follow the same procedures as described in chapters 58 and 89 of this title of the DCMR when terminating assistance to such an individual as it would when terminating the assistance of an entire Family.
- 4907.5 Pursuant to 24 C.F.R. § 5.2005, criminal activity directly related to intrafamily violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy, occupancy rights of, or assistance to the victim, if the tenant or immediate family member of the tenant is the victim.
- 4907.6 Notwithstanding § 4907.5, an owner may still evict a tenant for a lease violation unrelated to domestic violence, provided that the owner does not subject such a tenant to a more demanding standard than other tenants in making the determination whether to evict or terminate the tenancy.
- 4907.7 A victim of domestic violence, sexual violence, dating violence, or stalking who is absent for more than one hundred twenty (120) days may still be considered a Family member based on documentation that the victim is expected to return to the Family in a reasonable time if the victim provides DCHA documentation from a social worker, police officer, shelter, or other qualified agency regarding the incident or incidences of domestic violence and current housing arrangements for the applicant Family.
- 4907.8 If a Family or Family member participant who has been a victim of domestic violence, dating violence, or stalking by an individual, the participant may port to another PHA jurisdiction in violation of the lease as explained in chapter 55 of this title of the DCMR so long as the Family has complied with all other obligations.
- 4907.9 If a Family or Family member participant who has been the victim of domestic violence, dating violence, stalking, sexual assault, or an intrafamily offense moves in violation of the lease, DCHA shall not terminate assistance if the move was related to the act.

- 4907.10 A Family may document an incident or incidences of domestic violence, dating violence, or stalking as follows:
- (a) The HUD-approved certification HUD Form-50066;
  - (b) Federal, state, tribal, territorial, or local police record;
  - (c) Documentation signed by an employee, agent, or volunteer of a victim service provider or an attorney or medical provider from whom the victim has sought assistance in the situation; or
  - (d) Other acceptable documentation in order to verify the Family's claim of domestic violence, sexual violence, dating violence, or stalking.

4907.11 DCHA shall keep such information confidential in accordance with VAWA and its implementing regulations.

4907.12 If DCHA receives conflicting certification documents of domestic violence from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, DCHA may determine which Family member is the true victim by requiring third-party documentation in accordance with VAWA and its implementing regulations.

### **5333 Family Moves**

5333.1 Except as noted in this subsection, families may move in accordance with Chapter 85 (Housing Choice Voucher Program: Participant Moves) of this title of the DCMR.

5333.2 Each Family shall give notice to move in accordance with Chapter 85 of this title of the DCMR.

5333.3 DCHA shall not approve requests to move a Family more than once in a twelve (12) month period unless one of the exceptions apply:

- (a) A victim or Family seeks to move under the protections enumerated in the VAWA;
- (b) DCHA terminates the HAP contract with the owner; or
- (c) The move is necessary to grant a request for a reasonable accommodation.

5333.4 Families may only request a Voucher transfer briefing if the Family:

- (a) Has not been terminated or is not currently being recommended for

termination;

- (b) Is in good standing with the lease in the current unit (no outstanding rent or tenant-responsible utility bills); and
- (c) Does not have any current tenant-caused HQS violations in their existing unit.

5333.5 Notwithstanding § 5334.4, Families who qualify for emergency transfer vouchers shall be issued a transfer voucher if one (1) or more of the following conditions apply:

- (a) The family has demonstrated a need based on the protections for victims of intrafamily violence as explained in § 4907;
- (b) DCHA has terminated the HAP contract with the Family's landlord;
- (c) The Owner has initiated eviction proceedings against the Family;
- (d) DCHA may grant an emergency transfer upon request from the OAG, DOJ, or USAO as a matter of safety; or for witness protection if the family is within the first year of their lease. Where feasible, DCHA shall seek the written authorization of the Landlord to release the family prior to making any decision about allowing the family to move to another unit, if the family is in the first year of their lease; or
- (e) If DCHA determines that the family voucher size is too large, and the family is not within the first year of tenancy.

5333.6 Families may choose to request only one (1) transfer voucher annually, no earlier than thirty (30) days before the month they last entered into a lease and no later than thirty (30) days after they last entered into a lease unless the Family qualifies for one (1) of the emergency conditions as stated in § 5333.6.

## **5501 Denying Family Request to Move Under Portability**

5501.1 DCHA shall deny a Family's request to move under portability, subject to the protections in the VAWA, Fair Housing Act (FHA), and District of Columbia Human Rights Act (DCHRA) if:

- (a) The Family is an applicant Family coming off the waiting list and has not been assisted in DCHA's jurisdiction for twelve (12) months;
- (b) The Family is currently under termination procedures;
- (c) The Family is in a repayment agreement with DCHA, and has not paid it off;
- (d) The Family has moved from its current unit in violation of the lease;

- (e) The Family has not lived in DCHA jurisdiction for at least twelve (12) months since being admitted into the Program;
- (f) The requested move is not in compliance with Chapter 85 of this title of the DCMR; or
- (g) DCHA does not have the sufficient funding for continued assistance to support the move.

5501.2 If DCHA denies a Family portability for any of the reasons in § 5501.1, within ten (10) days of the decision, DCHA shall provide written notice to the participant or applicant of the specific basis for the denial and of its right to an informal hearing or review in accordance with Chapter 89 of this title of the DCMR.

5501.3 If a Family requests portability under the protections of VAWA, DCHA shall request that the Family provide one (1) of the following documents:

- (a) The HUD-approved certification HUD Form-50066;
- (b) Federal, state, tribal, territorial, or local police record;
- (c) Documentation signed by an employee, agent, or volunteer of a victim service provider, or an attorney or medical provider from whom the victim has sought assistance in the situation; or
- (d) Other acceptable documentation in order to verify the Family's claim that the request to move is prompted by an instance or incidences of abuse.

## **8500 Participant Household Moves**

8500.1 Prerequisites to a Move. A Participant Household may be issued a transfer voucher entitling them to move to another unit with, and continue to receive, a housing assistance subsidy in the District of Columbia if:

- (a) The Household meets the following five conditions:
  - (1) The Household is not within the first term of their existing lease (unless Landlord and household mutually agree in writing to terminate the lease or HCVP terminates the HAP Contract for any reason);
  - (2) The Household is in good standing and is not currently in violation of any family obligations as a participant in the Housing Choice Voucher Program and applicable HCVP and HUD rules and regulations;
  - (3) The Household is current on any payments due to DCHA;

- (4) The Household attends a full transfer briefing conducted by DCHA; and
  - (5) The effective date of the new lease begins on the first of the month; or
- (b) DCHA has determined, in its sole discretion, that one or more of the following emergency situations applies:
- (1) There is a credible threat of domestic violence or need for witness protection in connection with the Household that may be mitigated by a move;
  - (2) There are serious unresolved Housing Quality Standard landlord violations in the Participant Household's existing leased unit;
  - (3) Other emergency factors acceptable to DCHA have been identified by the Participant Household.
- (c) If a Participant Household makes a written request for consideration under 8500.1(b) above, DCHA shall respond in writing within five business days.

**8500.2 Transfer Vouchers.**

- (a) For a Participant Household that qualifies for a move under Subsection 8500.1 above, the Participant Household shall be offered a Transfer Voucher to search for another unit.
- (b) The Transfer Voucher shall expire at the earlier of 180 days from the date of its issuance, or the date DCHA has terminated the Housing Assistance Contract on the Participant Household's existing unit with notice to the Household.
- (c) Any denial or refusal to issue a Transfer Voucher shall be issued in writing and state the reasons for such denial, including the specific nature of any denial due to any violation of Family Obligations or failure to be in good standing under 8500.1(a)(2) above.

**8500.3 Processing the Move.** After issuance of a Transfer Voucher, if the Participant Household locates a dwelling unit it wishes to lease, it shall be processed by DCHA as a new lease-up, including the following:

- (a) Provision of a lease-up packet when the Transfer Voucher is issued;
- (b) Inspection of the new unit for compliance with HQS; and
- (c) Approval of the lease-up lease package, including the lease and the lease terms including the gross rent and the contract rent subject to a rent reasonableness determination.



8500.4 Failure to Relocate. After a Transfer Voucher is issued, if the Household does not locate a new dwelling unit to move to:

- (a) The Household may continue on where it is currently leasing, provided that:
  - (1) The Household has not yet given notice to terminate their lease to the owner; or
  - (2) The Household has delivered to the owner a notice rescinding the Household's earlier termination notice with a copy of such notice simultaneously delivered to DCHA; and
  - (3) The HAP Contract has not otherwise been terminated by DCHA.
- (b) The Household is not required to provide new lease-up or other documents to DCHA and the owner shall continue to receive Housing Assistance Payments as if the Participant had never requested the Transfer Voucher.
- (c) The Household's prior Total Tenant Payment continues in effect.

8500.5 Future Moves. If a Household decides to move at a future date while the Transfer Voucher is still in effect, or upon obtaining another Transfer Voucher, the Household is required to:

- (a) Give the owner notice as provided under the Household's lease or otherwise by mutual consent with the Owner permitting termination of the existing lease; or
- (b) If the Transfer Voucher has expired, the Household is required to request a Transfer Voucher under the conditions identified in Subsection 8500.1 above.

#### **4903 Applicability of the Administrative Plan**

4903.1 This Plan, comprising chapters 49 through 59 of this title of the DCMR:

- (a) Outlines how DCHA shall implement the requirements found in the applicable federal laws, regulations, and notices, as well as the requirements of the District of Columbia Code related to HVCP; and
- (b) Establishes policies for items which are not covered under other chapters of the DCMR or Federal regulations for the following programs directly funded by HUD and administered by DCHA's HCVP office:
  - (1) Tenant-Based Vouchers;
  - (2) Project-Based Vouchers;

- (3) Enhanced Vouchers;
- (4) Family Unification Program Vouchers;
- (5) Veterans Affairs Supportive Housing (VASH) Vouchers;
- (6) Mainstream and Non-Elderly Disabled Vouchers;
- (7) Homeownership Vouchers;
- (8) Portable Vouchers;
- (9) Set-asides for Special Needs Populations as determined by the Board of Commissioners; and
- (10) Moderate Rehabilitation Program.

4903.2 There are certain issues that may not be addressed in the Plan related to HCVP applicants and participants where DCHA turns to guidance provided by the HUD Housing Choice Voucher Guidebook, Federal regulations, HUD Memos and Notices, and guidelines or other applicable law.

4903.3 This Administrative Plan was adopted by a resolution of DCHA Board of Commissioners on June 13, 2012.

4903.4 This Plan replaces any Plans before it with the exception of chapters 2D and 17A.2 through 17A.4 of the preceding Administrative Plan.

4903.5 The Board of Commissioners shall approve any changes to the Plan.

4903.6 The Administrative Plan incorporates by reference portions of title 14 of the DCMR, as follows:

- (a) Chapter 61– Admissions and Recertifications;
- (b) Chapter 74 – Reasonable Accommodation Policies and Procedures;
- (c) Chapter 83 – Rent and Housing Assistance Payments;
- (d) Chapter 85 – Housing Choice Voucher Program: Participant Moves;
- (e) Chapter 89 – Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Program;
- (f) Chapter 92 – Housing Choice Voucher/Home Ownership Assistance Program (HCV/HOAP); and
- (g)

(h) Chapter 93 – Partnership Program for Affordable Housing.

- 4903.7 To the extent that other chapters of title 14 of the DCMR regulate areas relating to the HCVP, the Administrative Plan shall control unless otherwise indicated by the Administrative Plan.
- 4903.8 If other chapters of title 14 of the DCMR regulate areas that apply to HCVP where the Administrative Plan is silent, those regulations shall control.
- 4903.9 Pursuant to D.C. Official Code § 6-227(c) (2008 Repl.), this Administrative Plan applies to locally funded programs except to the extent that:
- (a) Such program has unique rules and procedures for its administration; and
  - (b) The Administrative Plan is inconsistent with any of the unique rules and procedures or applicable local or federal regulations.

## ATTACHMENT 2

### LOCAL ORGANIZATIONS FOR DOMESTIC VIOLENCE, STALKING, & SEXUAL ASSAULT ASSISTANCE

SAFE (Survivors and Advocates for Empowerment), Inc.  
DC Superior Court Domestic Violence Intake Center  
500 Indiana Avenue, Room 4550  
Washington, DC 20001  
202-879-0720

Alternate Location for SAFE:  
Domestic Violence Intake Center, SE  
United Medical Center  
1320 Southern Avenue, SE Room 311  
Washington, DC 20019  
Phone: 202-561-3000  
Hours: Monday – Friday 8:30am-4:00pm  
[www.dcsafe.org](http://www.dcsafe.org)  
[info@dcsafe.org](mailto:info@dcsafe.org)

House of Ruth  
5 Thomas Circle, NW  
Washington, DC 20005  
202-667-7001  
Hotline: 202-667-7001  
[www.houseofruth.org](http://www.houseofruth.org)

District Alliance for Safe Housing (DASH)  
PO Box 73186  
Washington, DC 20056  
202-462-3274  
[www.dashdc.org](http://www.dashdc.org)

My Sister's Place (DC)  
1436 U Street NW  
Ste. 303  
Washington, DC 20009  
202-529-5261  
Hotline: 202-529-5991 (24 Hour Crisis Hotline)  
[www.mysistersplacedc.org](http://www.mysistersplacedc.org)

Bread for the City  
1640 Good Hope Road, SE  
Washington, DC 20020  
202-561-8587  
[www.breadforthecity.org](http://www.breadforthecity.org)

Community of Hope  
1413 Girard Street NW  
Washington, DC 20009  
202.407.7747  
[www.communityofhopedc.org](http://www.communityofhopedc.org)

Neighbors Consejo  
3118 16th Street, NW  
Washington, DC 20010  
202-234-6855  
[www.neighborsconsejo.org](http://www.neighborsconsejo.org)

Doorways for Women and Families  
PO Box 100185  
Arlington, VA 22210  
(703)504-9400  
(703) 907-0022  
Hotline: (703)237-0881  
[www.doorwaysva.org](http://www.doorwaysva.org)

The Coalition for the Homeless  
1234 Massachusetts Avenue NW  
Washington, DC 20005  
(202) 347-8870  
[www.dccfh.org](http://www.dccfh.org)  
[info@dccfh.org](mailto:info@dccfh.org)

Catholic Charities of the Archdiocese of Washington  
924 G Street, NW  
Washington, DC 20001  
202-772-4300  
[www.catholiccharitiesdc.org](http://www.catholiccharitiesdc.org)  
[BishopJ@CatholicCharitiesDC.org](mailto:BishopJ@CatholicCharitiesDC.org)